

**STATEMENT OF INOPERATIVENESS OR INVALIDITY
OF ORIGINAL PATENT UNDER 37 C.F.R. 1.175
FOR A BROADENING REISSUE**

Assignee also declares as follows:

That we believe the original U.S. Patent No. 6,362,728 ('728 patent), issued on March 26, 2002, to be partly inoperative or invalid by reason of us as the patentees claiming less than we had a right to claim in the patent. Specifically, the claims directed toward the embodiment shown in Figure 11 utilize unduly restrictive terminology introduced inadvertently into the claims. Claim 1 contains specific references to elements in the disclosed embodiment, which were not necessary to distinguish over the art of record.

We submit that the invention should have claimed the novel concept of an anti-theft vehicle system. Such an investigation is not shown in the art of record and therefore the claims set forth in the '728 patent contain a number of unnecessary limitations and are unduly restrictive. For example, claim 1 contains unduly restrictive language directed towards a rotatable structure being disposed in a vehicle wheel that is immaterial and has been deleted from the claims added in this application.

In order to correct the inadvertent errors that arose during prosecution of the original '728 patent, we submit additional new claims 21 through 28. With respect to new claim 21, the claims set forth in the original '728 patent failed to recognize and provide protection for an anti-theft vehicle system wherein a signal generator to generate a first predetermined signal around a first predetermined perimeter and to generate a second predetermined signal around a second predetermined perimeter at least partially disposed within and overlapping the first predetermined perimeter.

With respect to new claim 22, the claims set forth in the original '728 patent fail to recognize and provide protection for the arrangement of an anti-theft vehicle system including a first buried wire cable for transmitting the first predetermined signal.

With respect to new claim 23, the claims set forth in the original '728 patent fail to recognize and provide protection for the arrangement of an anti-theft vehicle system including a second buried wire cable for transmitting the second predetermined signal.

With respect to new claim 24, the claims set forth in the original '728 patent fail to recognize and provide protection for the arrangement of an anti-theft vehicle system including a shielding material for insulating a portion of the second buried wire cable from the first buried wire cable.

With respect to new claim 25, the claims set forth in the original '728 patent fail to recognize and provide protection for the arrangement of an anti-theft vehicle system wherein the signal generator includes an amplifier and a potentiometer for controlling the level of signal output by the amplifier.

With respect to new claim 26, the claims set forth in the original '728 patent fail to recognize and provide protection for the arrangement of an anti-theft vehicle system wherein the first buried wire cable includes a plurality of branches connected to the amplifier.

With respect to new claim 27, the claims set forth in the original '728 patent failed to recognize and provide protection for an anti-theft system for a shopping cart wherein a signal generator to generate a first predetermined signal around a first predetermined perimeter and to generate a second predetermined signal around a second predetermined perimeter at least partially disposed within and overlapping the first predetermined perimeter.

With respect to new claim 28, the claims set forth in the original '728 patent failed to recognize and provide protection for an anti-theft system for a shopping cart wherein a signal generator to generate a first predetermined signal around a first predetermined perimeter and to

generate a second predetermined signal around a second predetermined perimeter at least partially disposed within and overlapping the first predetermined perimeter.

The above-identified errors arose from inadvertence, accident, or mistake and without any deceptive intent on the part of us as the Applicants during the original prosecution of U.S. Patent No. 6,362,728. The unduly restrictive claims were discovered after a thorough review and analysis of the issued claims, file history, and prior art of the original '728 patent in light of an infringing device uncovered in the market place. The study of the '728 patent, file history and prior art revealed that the invention of the '728 patent was claimed too narrowly and we are entitled to claims of the scope set forth herein.